

**GUJARAT TECHNOLOGICAL UNIVERSITY**

**BE - SEMESTER-III EXAMINATION – SUMMER 2025**

**Subject Code:3130007**

**Date:02-06-2025**

**Subject Name: Indian Constitution**

**Time:02:30 PM TO 04:30 PM**

**Total Marks:50**

**Instructions:**

1. Attempt all questions.
2. Make suitable assumptions wherever necessary.
3. Figures to the right indicate full marks.
4. Simple and non-programmable scientific calculators are allowed.

		Marks
Q.1	(a) Explain in detail the basic elements of Constitutionalism.	05
	(b) Discuss the history of drafting of Indian Constitution.	05
Q.2	(a) Enlist the salient features of the Constitution of India and explain any four in detail.	05
	(b) State the writs mentioned in Indian Constitution and explain them.	05
	<b>OR</b>	
	(b) Explain the rights granted to women in India.	05
Q.3	(a) Discuss in detail Right to Freedom under article 19.	05
	(b) Write a note on Right to Equality.	05
	<b>OR</b>	
Q.3	(a) How many fundamental duties are incorporated in the Indian Constitution? Enlist them.	05
	(b) If you are to take Pledge to abide by four fundamental duties on the Independence Day, which four duties according to you are the most important one? Why?	05
Q.4	(a) Explain DPSP and state its features.	05
	(b) Explain the Federal System. State its advantages and disadvantages.	05
	<b>OR</b>	
Q.4	(a) Write a note on distribution of power between the union and the state in India.	05
	(b) Explain Panchayati Raj System of the Government.	05
Q.5	(a) State and Explain the classification of Directive Principle of State Policy.	05
	(b) Explain the Unitary system. State its advantages and disadvantages.	05
	<b>OR</b>	
Q.5	(a) Write a note on Presidential type of Government System.	05
	(b) Explain the Nation Emergency.	05

\*\*\*\*\*

**Q.1 (a) Explain in detail the basic elements of Constitutionalism. (5 mark)**

## **Introduction**

Constitutionalism is the principle that the **power of government should be limited by a constitution**. It emphasizes that the **authority of rulers is not absolute**, and that both the government and its citizens are bound by the Constitution. Constitutionalism ensures that **governmental power is exercised according to established laws**, protects individual rights, and promotes justice and democracy.

The idea of constitutionalism is central to modern democracies and underlies the functioning of the **Indian Constitution**, which provides a framework for governance, accountability, and citizen rights.

## **Basic Elements of Constitutionalism**

### **1. Supremacy of the Constitution**

- The Constitution is the **supreme law of the land**.
- All laws, policies, and actions of the government must conform to it.
- Any act violating the Constitution is **invalid**.
- Example: In India, the **Supreme Court can strike down unconstitutional laws** through judicial review.

### **2. Rule of Law**

- Every individual, including government officials, is **subject to the law**.
- Arbitrary or discretionary use of power is prohibited.
- Promotes equality and prevents dictatorship or abuse of power.
- Originated from **A.V. Dicey's concept of Rule of Law**.

### **3. Separation of Powers**

- Power is divided among **three organs of government**: Legislature, Executive, and Judiciary.
- Each organ functions independently and checks the others.
- Prevents concentration of power and protects democratic governance.
- In India, separation is flexible, with some overlap between executive and legislature.

#### **4. Protection of Fundamental Rights**

- Constitutionalism ensures **individual freedoms** are safeguarded.
- Examples: Right to equality, freedom of speech, and right to life (Articles 14, 19, 21).
- Courts protect citizens from arbitrary or unfair actions by the government.

#### **5. Judicial Review**

- Courts have the power to **review laws and government actions** to ensure compliance with the Constitution.
- Protects the Constitution from violation and maintains the supremacy of constitutional law.
- Example: Striking down laws that violate Fundamental Rights or the basic structure of the Constitution.

#### **6. Limited Government**

- Government can exercise only those powers that the Constitution grants.
- Limits on executive, legislative, and judicial authority prevent authoritarian rule.
- Mechanisms like **checks and balances** ensure that no organ oversteps its boundaries.

## 7. Accountability and Democratic Governance

- Government is accountable to the people and their representatives.
- Elections, parliamentary debates, and transparency in administration ensure **responsible governance**.
- Citizens have the right to **petition, protest, or approach courts** against unlawful acts.

## 8. Flexibility and Adaptability

- A constitution must allow amendments to **adapt to changing social, economic, and political needs**.
- In India, Article 368 allows constitutional amendments while preserving the **basic structure**.
- Ensures stability and relevance over time.

## 9. Checks on Arbitrary Power

- Mechanisms such as **fundamental rights, independent judiciary, and separation of powers** protect individuals against arbitrary actions.
- Promotes justice, fairness, and equality in society.

**(b) Discuss the history of drafting of Indian Constitution. ( 5 mark**

**)**

### Introduction

The Indian Constitution, adopted on **26th January 1950**, is the **longest written constitution in the world**. Its drafting was a **long and careful process** that reflected India's historical experiences, political struggles, and the vision of its leaders. The process combined ideas from Indian traditions and various global constitutions to create a framework for a **democratic, sovereign, and republic India**.

---

## History of Drafting of the Indian Constitution

### 1. Early Efforts and Background

- During British rule, India had several **Government of India Acts** (1858, 1909, 1919, 1935) which provided administrative structures and limited self-governance.
- **Indian National Congress and freedom movement leaders** actively debated constitutional reforms to ensure **self-rule, rights, and social justice**.
- The **demand for a written constitution** grew stronger as India approached independence.

### 2. Formation of the Constituent Assembly

- The **Constituent Assembly** was formed in **1946** based on the **Cabinet Mission Plan**.
- Members were elected indirectly by **provincial legislatures**.
- Total strength: **389 members initially**, representing provinces, princely states, and minorities.
- **Dr. Rajendra Prasad** was elected **President of the Assembly**, and **Dr. B.R. Ambedkar** served as **Chairman of the Drafting Committee**.

### 3. Objectives and Guiding Principles

- The Constituent Assembly aimed to create a **sovereign, socialist, secular, and democratic republic**.
- Fundamental goals included:
  - Protecting **fundamental rights**
  - Ensuring **social, economic, and political justice**

- Establishing a **federal structure with a strong central government**
- Incorporating **Directive Principles of State Policy** for welfare measures

#### **4. Drafting Committees**

- Several **committees were formed** to handle different parts of the Constitution:
  1. **Drafting Committee** – Prepared the text of the Constitution.
  2. **Union Powers Committee** – Division of powers between Centre and States.
  3. **Advisory Committee on Fundamental Rights** – Proposed Fundamental Rights and Duties.
  4. Other committees dealt with **minority rights, provincial matters, and judiciary.**

#### **5. Influences on the Draft**

- **British Constitution:** Parliamentary system, rule of law, cabinet system.
- **U.S. Constitution:** Fundamental rights, judicial review, federalism.
- **Irish Constitution:** Directive Principles of State Policy.
- **Canadian Constitution:** Quasi-federal structure and distribution of powers.
- **French Constitution:** Liberty, equality, and fraternity principles.
- **Indian Historical Experience:** Local governance (Panchayati Raj), social justice, and equality ideals.

#### **6. Debates and Discussions**

- The Constituent Assembly held **165 days of debate** over **2 years, 11 months, and 18 days**.
- Topics included:
  - Centre-State relations
  - Fundamental rights vs. Directive Principles
  - Official language
  - Reservation for SCs, STs, and minorities
- Every issue was discussed extensively to achieve **consensus and compromise**.

## 7. Adoption and Enactment

- The **Draft Constitution** was completed on **26th November 1949**.
- It was formally adopted by the Constituent Assembly and came into force on **26th January 1950**.
- India became a **Sovereign Democratic Republic**, with **Dr. Rajendra Prasad** as the first President.

---

**Q.2 (a) Enlist the salient features of the Constitution of India and explain any four in detail. (5 mark)**

### Introduction

The Constitution of India, adopted on **26th January 1950**, is the **supreme law of the land**. It lays down the framework for governance, distribution of powers, fundamental rights, and duties of citizens. Its features combine the **best elements of various constitutions** and reflect India's **historical, social, and cultural context**. The Constitution is **flexible yet rigid in certain provisions**, ensuring stability while allowing adaptability.

---

## **Salient Features of the Indian Constitution**

- 1. Written Constitution**
- 2. Longest Constitution in the World**
- 3. Sovereign, Democratic, and Republic**
- 4. Federal System with Unitary Bias**
- 5. Parliamentary Form of Government**
- 6. Fundamental Rights and Duties**
- 7. Directive Principles of State Policy**
- 8. Independent Judiciary and Judicial Review**
- 9. Secular State**
- 10. Separation of Powers**
- 11. Universal Adult Franchise**
- 12. Emergency Provisions**

---

## **Explanation of Any Four Features in Detail**

### **1. Written Constitution**

- The Constitution of India is a **written and codified document**, providing **clarity, stability, and authority**.
- It has **395 articles** (originally) and **12 schedules** (now 12), covering all aspects of governance.
- A written constitution ensures that **citizens and government are aware of their rights and duties**.
- Example: Fundamental Rights and Directive Principles are explicitly mentioned, leaving no ambiguity.



## 2. Federal System with Unitary Bias

- India has a **dual government system** with powers divided between **Centre and States**.
- Union List, State List, and Concurrent List provide clear division of powers.
- **Unitary bias**: In emergencies, the Centre can assume greater control over States.
- Ensures **unity in diversity**, allowing local autonomy while maintaining national integration.

## 3. Fundamental Rights and Duties

- Fundamental Rights guarantee **individual freedoms** such as equality, freedom of speech, and life.
- Fundamental Duties (Article 51A) remind citizens of their **moral obligations** towards the nation.
- Rights and duties **ensure democracy, social justice, and responsible citizenship**.
- Example: Right to Equality (Article 14) prevents discrimination based on caste, religion, or gender.

## 4. Directive Principles of State Policy

- DPSPs guide the government in **policy-making for social and economic welfare**.
- They are **non-justiciable** but play a vital role in planning and governance.
- Aim to reduce inequality, promote education, health, and social justice.
- Example: Article 45 directs the State to provide free and compulsory education for children.

## 5. Parliamentary Form of Government

- India follows a **parliamentary system** where the **Council of Ministers is responsible to the legislature**.
- The Prime Minister is the **real executive**, while the President is the ceremonial head.
- Ensures **accountable governance** through elections and legislative control.

## 6. Independent Judiciary

- The judiciary interprets the Constitution and **protects citizens' rights**.
- Supreme Court has **judicial review powers** to strike down unconstitutional laws.
- Maintains **balance between Centre and States** and prevents abuse of power.

**(b) State the writs mentioned in Indian Constitution and explain them.**

### Introduction

The Indian Constitution provides **protection against arbitrary actions by the State** through judicial remedies called **writs**. Under **Article 32**, citizens can directly approach the **Supreme Court**, and under **Article 226**, the **High Courts** can issue writs for enforcement of Fundamental Rights and legal remedies. Writs are **legal orders issued by courts** to safeguard individual rights and maintain rule of law.

---

### Types of Writs in the Indian Constitution

There are **five types of writs** mentioned in the Constitution:

1. **Habeas Corpus**
2. **Mandamus**

### 3. Prohibition

### 4. Certiorari

### 5. Quo Warranto

---

## 1. Habeas Corpus

- **Meaning:** “You shall have the body” (Latin).
  - **Purpose:** Protects individuals against **illegal detention or imprisonment**.
  - **Function:** Orders the person or authority detaining someone to produce the detainee before the court and justify the detention.
  - **Example:** If a person is detained without lawful reason, the court can issue habeas corpus to secure their release.
  - **Significance:** Ensures **personal liberty**, one of the most fundamental rights under Article 21.
- 

## 2. Mandamus

- **Meaning:** “We command” (Latin).
  - **Purpose:** Directs a **public authority or government official** to perform a **duty they are legally obliged to do**.
  - **Function:** Cannot be used to instruct on discretionary functions, only mandatory duties.
  - **Example:** Court may issue mandamus to a municipal corporation to provide water supply or remove encroachments.
  - **Significance:** Ensures **compliance with statutory duties** and protects public interest.
-

### 3. Prohibition

- **Meaning:** Court order forbidding a lower court or authority from **exceeding its jurisdiction**.
  - **Purpose:** Prevents inferior courts or tribunals from acting **outside their legal authority**.
  - **Function:** Prevents errors in legal proceedings at lower levels.
  - **Example:** High Court may prohibit a lower court from conducting trial beyond its territorial or legal limits.
  - **Significance:** Maintains **legality and checks abuse of judicial power**.
- 

### 4. Certiorari

- **Meaning:** “To be informed” (Latin).
  - **Purpose:** **Transfers a matter from lower courts or tribunals to higher courts** for review.
  - **Function:** Can quash or modify decisions of inferior courts if there is a **legal error or illegality**.
  - **Example:** High Court may quash an administrative order violating natural justice.
  - **Significance:** Protects citizens from **judicial and administrative errors**.
- 

### 5. Quo Warranto

- **Meaning:** “By what authority” (Latin).
- **Purpose:** Questions the **legality of a person holding a public office**.

- **Function:** Ensures that only a person legally qualified can occupy **public offices or positions**.
  - **Example:** If a person appointed as chairman of a statutory body is ineligible, the court can issue quo warranto.
  - **Significance:** Safeguards **rule of law and accountability in public office**.
- 

**OR**

**(b) Explain the rights granted to women in India.**

### **Introduction**

Women in India enjoy **equal rights and protections** under the Constitution and various laws. The Indian Constitution guarantees **equality, freedom, and protection from discrimination**, recognizing women as equal participants in social, political, and economic life. Over the years, special provisions and legislations have strengthened women's rights to ensure **justice, empowerment, and dignity**.

---

### **Constitutional Rights of Women**

#### **1. Right to Equality (Articles 14–18)**

- **Article 14:** Equality before law and equal protection under the law.
- **Article 15:** Prohibits discrimination on the basis of **sex, caste, religion, or race**; allows special provisions for women.
- **Article 16:** Guarantees equal opportunity in public employment.

- Significance: Ensures **women are treated equally** in education, employment, and public life.

## **2. Right to Freedom (Articles 19–22)**

- Women enjoy the same freedoms as men, including:
  - Freedom of speech and expression
  - Right to assemble peacefully
  - Right to move freely and reside anywhere in India
  - Freedom to practice any profession or occupation
- Example: Women can freely contest elections or join the workforce.

## **3. Right Against Exploitation (Articles 23–24)**

- **Article 23:** Prohibits human trafficking and forced labor.
- **Article 24:** Prohibits child labor below 14 years in factories and hazardous employment, protecting girl children.
- Significance: Ensures women are protected from **sexual exploitation and unsafe labor practices**.

## **4. Right to Freedom of Religion (Articles 25–28)**

- Women have the **freedom to practice, profess, and propagate religion**.
- Ensures equality in religious practices and protection from discriminatory practices.

## **5. Cultural and Educational Rights (Articles 29–30)**

- Women belonging to minorities can **preserve culture, language, and education**.
- Provides opportunities for women's educational advancement and cultural participation.

## 6. Right to Constitutional Remedies (Article 32)

- Women can **approach the Supreme Court or High Courts** if any of their fundamental rights are violated.
  - Ensures **legal protection and empowerment**.
- 

## Other Rights and Legal Safeguards

### 1. Right to Work and Equal Pay

- Women have the right to **work in any profession** and receive **equal remuneration** for equal work.
- Supported by laws like the **Equal Remuneration Act, 1976**.

### 2. Protection from Domestic Violence

- **Domestic Violence Act, 2005** provides legal remedies against violence, abuse, or harassment at home.

### 3. Maternity and Health Rights

- **Maternity Benefit Act, 1961** ensures paid maternity leave and workplace safety.
- Access to healthcare and nutrition is recognized as part of women's **right to life and health**.

### 4. Political Rights

- Women can **vote, contest elections**, and hold public office.
- **Reservation of 33% seats** in Panchayati Raj institutions and local bodies empowers women in governance.

### 5. Special Protections

- Laws protect women from **sexual harassment at workplaces, dowry-related offenses, and trafficking**.

- **Judicial activism** ensures strict enforcement of women's rights.
- 

### Q.3 (a) Discuss in detail Right to Freedom under article 19. (5 mark)

#### Introduction

The **Right to Freedom** is a fundamental right guaranteed under **Article 19 of the Indian Constitution**. It is considered one of the **core rights** that safeguard individual liberty in a democratic society. This right empowers citizens to **express themselves, move freely, work, and engage in lawful trade and occupation**, ensuring participation in social, political, and economic life.

---

#### Scope of Right to Freedom

Article 19 guarantees six freedoms to **citizens of India**:

##### 1. **Freedom of Speech and Expression (Article 19(1)(a))**

- Citizens can **express opinions freely** through speech, writing, or other media.
- Encourages **democratic dialogue, criticism, and political debate**.
- Example: Publishing newspapers, expressing opinions on social media, or participating in public discussions.

##### 2. **Freedom to Assemble Peacefully without Arms (Article 19(1)(b))**

- Citizens can **gather or hold meetings peacefully**.
- Promotes **protests, rallies, and public meetings** for social and political causes.



- Example: Peaceful demonstrations against government policies.

### **3. Freedom to Form Associations or Unions (Article 19(1)(c))**

- Citizens can form **clubs, trade unions, political parties, or societies**.
- Encourages **collective action** for social, cultural, and economic purposes.
- Example: Labor unions or student organizations advocating rights.

### **4. Freedom to Move Freely Throughout the Territory of India (Article 19(1)(d))**

- Citizens can **travel anywhere in India** without restrictions.
- Promotes national integration and **mobility for work, education, and leisure**.

### **5. Freedom to Reside and Settle in Any Part of India (Article 19(1)(e))**

- Citizens can **choose their place of residence** anywhere in the country.
- Ensures **freedom of occupation and lifestyle**, strengthening national unity.

### **6. Freedom to Practice Any Profession or to Carry on Any Occupation, Trade, or Business (Article 19(1)(g))**

- Citizens can **engage in lawful employment or business**.
- Ensures economic freedom and supports **entrepreneurship and livelihood**.

---

## **Reasonable Restrictions on Right to Freedom**

Article 19 allows the government to impose **reasonable restrictions** in the **interests of the sovereignty, security, public order, decency, morality, or for protection of other citizens**:

1. **Security of the State** – Prevent activities threatening national security.
2. **Public Order** – Prevent riots, violence, or communal disturbances.
3. **Decency or Morality** – Restrict obscene or offensive content.
4. **Contempt of Court** – Prevent interference with judicial authority.
5. **Defamation** – Protect reputation of individuals.
6. **Sovereignty and Integrity of India** – Prevent secessionist activities.

**Example:** Restrictions on freedom of speech during war or to prevent hate speech.

---

### **Significance of Right to Freedom**

1. **Foundation of Democracy** – Enables **free expression and participation** in governance.
2. **Protection of Individual Liberty** – Safeguards personal choice, movement, and occupation.
3. **Encourages Social Reforms** – Citizens can advocate for justice and equality.
4. **Economic Growth** – Freedom to trade and practice profession supports livelihood and entrepreneurship.
5. **National Integration** – Freedom of movement and residence promotes unity across regions.

**(b) Write a note on Right to Equality. (5 mark)**

The **Right to Equality** is one of the **fundamental rights** guaranteed under **Articles 14 to 18** of the Indian Constitution. It ensures that **all citizens are treated equally before the law** and protects them from **discrimination based on religion, caste, sex, or place of birth**. This right is essential for establishing **justice, fairness, and democracy** in the country.

---

### **Constitutional Provisions**

#### **1. Article 14 – Equality Before Law**

- No person shall be **denied equality before the law** or the **equal protection of the laws**.
- Applies to **all citizens and non-citizens**.
- Example: All individuals are treated equally in courts, and no arbitrary action can be taken by the State.

#### **2. Article 15 – Prohibition of Discrimination**

- Prohibits discrimination on grounds of **religion, race, caste, sex, or place of birth**.
- The State can make **special provisions for women, children, or socially and educationally backward classes**.
- Example: Reservation in education and employment for SC/ST/OBC communities.

#### **3. Article 16 – Equality of Opportunity in Public Employment**

- Ensures **equal opportunity for all citizens in matters of public employment**.
- No discrimination is allowed on the basis of **religion, caste, sex, or place of birth**.

- Example: Government jobs are open to all eligible candidates irrespective of caste or region.

#### 4. **Article 17 – Abolition of Untouchability**

- Abolishes the practice of **untouchability**, making it a **criminal offense** under law.
- Promotes **social justice and dignity** for marginalized communities.

#### 5. **Article 18 – Abolition of Titles**

- Prohibits the State from conferring **titles, except military or academic honors**.
- Ensures **equality and prevents social hierarchy** based on inherited titles.

---

### **Significance of Right to Equality**

1. **Promotes Social Justice** – Protects weaker sections and ensures **equal treatment for all**.
2. **Prevents Discrimination** – Prohibits caste, gender, or religion-based unfair treatment.
3. **Strengthens Democracy** – Equal rights empower citizens to **participate in governance** without bias.
4. **Economic Opportunities** – Equal access to jobs, education, and resources supports **inclusive growth**.
5. **Ensures Rule of Law** – Everyone is **subject to the same laws**, reducing arbitrariness.

---

**OR**

### Q.3 (a) How many fundamental duties are incorporated in the Indian Constitution? Enlist them.

#### Introduction

**Fundamental Duties** were incorporated into the Indian Constitution by the **42nd Amendment Act, 1976** under **Article 51A**. These duties are **moral obligations** for all citizens to promote **patriotism, respect for the Constitution, and harmony in society**. While they are not enforceable by law like Fundamental Rights, they guide citizens to act responsibly toward the nation.

---

#### Number of Fundamental Duties

- Originally, there were **10 Fundamental Duties**.
  - Later, the **86th Amendment Act, 2002** added **one more duty**, making the total **11 Fundamental Duties**.
- 

#### List of Fundamental Duties (Article 51A)

1. To abide by the Constitution and respect its **ideals and institutions**.
2. To **cherish and follow the noble ideals** which inspired the national struggle for freedom.
3. To **uphold and protect the sovereignty, unity, and integrity of India**.
4. To **defend the country and render national service** when required.
5. To **promote harmony and spirit of common brotherhood** among all people of India, transcending religion, language, and region.

6. To **renounce practices derogatory to the dignity of women.**
7. To **value and preserve the rich heritage of the country.**
8. To **protect and improve the natural environment**, including forests, lakes, rivers, and wildlife.
9. To **develop scientific temper, humanism, and the spirit of inquiry and reform.**
10. To **safeguard public property and abjure violence.**
11. To **strive towards excellence in all spheres of individual and collective activity**, as added by the 86th Amendment.

(b) If you are to take Pledge to abide by four fundamental duties on the Independence Day, which four duties according to you are the most important one? Why? (5 mark)

### **Introduction**

Fundamental Duties under **Article 51A** of the Indian Constitution remind citizens of their **responsibilities toward the nation**. On occasions like **Independence Day**, taking a pledge to follow these duties reflects **patriotism, discipline, and social awareness**. Among the eleven duties, some are particularly vital for fostering **unity, development, and civic responsibility**.

---

### **Four Most Important Duties and Their Importance**

1. **To uphold and protect the sovereignty, unity, and integrity of India**
  - Significance: Protecting the **nation's unity and territorial integrity** is crucial for security and national identity.
  - Citizens must respect the Constitution and avoid actions that threaten harmony or encourage separatism.

## 2. To promote harmony and the spirit of common brotherhood among all people of India

- Significance: India is **diverse in religion, language, and culture**. Promoting harmony reduces conflicts, builds social cohesion, and strengthens democracy.

## 3. To value and preserve the rich heritage of the country

- Significance: Protecting **monuments, culture, and traditions** fosters national pride and preserves India's historical and cultural identity for future generations.

## 4. To protect and improve the natural environment

- Significance: Environmental protection ensures **clean air, water, and resources** for present and future generations. Citizens play a key role in tackling pollution, deforestation, and climate change.

### Q.4 (a) Explain DPSP and state its features.

#### Introduction

**Directive Principles of State Policy (DPSP)** are guidelines provided in **Part IV of the Indian Constitution (Articles 36–51)** to guide the **State in making policies and laws**. They are intended to establish a **just social, economic, and political order**. While not enforceable by courts like Fundamental Rights, they aim to **ensure welfare, equality, and development** for all citizens.

DPSPs are inspired by the **Irish Constitution** and reflect India's commitment to **socialism, democracy, and justice**.

---

#### Definition

- DPSPs are **non-justiciable guidelines** that direct the government to create policies for the **economic and social welfare of citizens**.

- They are aimed at achieving **social justice, reducing inequality, and improving living standards.**
- 

## **Features of Directive Principles of State Policy**

### **1. Non-Justiciable in Nature**

- DPSPs **cannot be enforced by courts.**
- They are **guidelines for the government** to frame policies and laws.

### **2. Guidelines for Governance**

- Help the government in **planning socio-economic development.**
- Example: Policies for education, health, and welfare schemes are influenced by DPSPs.

### **3. Aim at Establishing Social and Economic Justice**

- Ensure **equitable distribution of wealth** and opportunities.
- Example: Land reforms and reservation policies are based on DPSPs.

### **4. Complement Fundamental Rights**

- DPSPs aim to achieve **goals that Fundamental Rights alone cannot.**
- Example: Right to work, social welfare, and economic justice are promoted through DPSPs.

### **5. Applicable to Both Centre and States**

- Articles 37 and 51 provide that both the **Union and State governments** must **apply DPSPs in governance.**



- Ensures uniformity in **policy-making and socio-economic development**.

## 6. Influence on Legislation

- Parliament and State Legislatures must **consider DPSPs while enacting laws**.
- Example: Right to Education Act, 2009; Minimum Wages Act, 1948.

## 7. Promotion of Welfare State

- DPSPs aim to establish India as a **welfare state** by ensuring **healthcare, education, and social security** for all citizens.

## 8. Dynamic and Flexible

- DPSPs can **evolve with time** to address emerging social and economic needs.
- Example: Environmental protection and promotion of sustainable development are modern interpretations.

**(b) Explain the Federal System. State its advantages and disadvantages. ( 5 mark)**

### Introduction

A **federal system of government** is a form of political organization in which **powers are divided between a central authority and constituent units (states or provinces)**. Both levels of government are **independent in their respective spheres** and derive authority from the Constitution. India has a **quasi-federal system** with a **federal structure having a strong Centre**, reflecting both unity and regional autonomy.

---

### Definition

- According to **K.C. Wheare**, “Federal government is a form of political organization in which powers of government are divided between **one central authority and several regional units** in such a way that neither can alter the other without consent.”
  - In India, the Constitution clearly divides **legislative, administrative, and financial powers** between the Union and States.
- 

## **Features of Federal System**

### **1. Division of Powers**

- Powers are divided between **Centre and States** through three lists:
  - **Union List:** Subjects under Centre’s exclusive control.
  - **State List:** Subjects under States’ control.
  - **Concurrent List:** Subjects where both can legislate, but Centre prevails in case of conflict.

### **2. Supremacy of Constitution**

- The Constitution is the **supreme law**; both Centre and States derive their powers from it.
- Neither can act beyond constitutional limits.

### **3. Independent Judiciary**

- The **Supreme Court** resolves disputes between Centre and States.
- Ensures **federal balance and legal enforcement**.

### **4. Bicameral Legislature at Centre**

- Rajya Sabha represents **States**, protecting their interests in central law-making.
- Lok Sabha represents the people directly.

## 5. Autonomy of States

- States have **their own governments, legislatures, and finances**.
- They can legislate and administer independently within their domain.

## 6. Flexibility in Emergencies

- The Constitution allows Centre to **assume greater powers during emergencies** (Articles 352–360), reflecting India's **unitary bias**.

---

## Advantages of Federal System

### 1. Accommodation of Diversity

- Helps manage **regional, linguistic, and cultural differences**.
- Promotes **peace and unity in diverse nations** like India.

### 2. Efficient Governance

- Local governments can address **regional issues better** due to proximity to people.
- Enhances **administrative efficiency**.

### 3. Encourages Participation

- Citizens can **participate at local, state, and national levels**, strengthening democracy.

### 4. Checks Concentration of Power

- Division of authority prevents **authoritarianism** and promotes **rule of law**.

### 5. Promotes Experimentation

- States can **experiment with policies** suited to local needs before adoption at national level.

---

## Disadvantages of Federal System

### 1. Conflict Between Centre and States

- Disputes may arise over **jurisdiction or resources**, leading to political tensions.

### 2. Duplication of Efforts

- Multiple governments can lead to **redundancy in administration and policies**.

### 3. Complex Governance

- Coordination between Centre and States can be **time-consuming and bureaucratic**.

### 4. Regionalism and Secessionist Tendencies

- Strong regional identities may encourage **demands for autonomy** or separatism.

### 5. Inequality Among States

- Economic and social disparities may increase if **resources are not distributed fairly**.

**OR**

**Q.4 (a) Write a note on distribution of power between the union and the state in India.**

## Introduction

The **distribution of powers** between the Union and State governments is a **key feature of India's federal system**. It ensures **autonomy for states** while maintaining the **unity and integrity of the nation**. The Indian Constitution provides a **clear allocation of legislative, administrative, and financial powers** to avoid conflicts and ensure smooth governance.

---

## **Constitutional Basis**

- The **Seventh Schedule** of the Constitution contains **three lists** defining the distribution of powers:
    1. **Union List** – Powers exclusively for the Union Government.
    2. **State List** – Powers exclusively for the State Governments.
    3. **Concurrent List** – Powers shared by both Union and States.
  - Articles **245–255** provide the **legal framework** for the distribution of legislative powers.
- 

### **1. Union List**

- Includes subjects on which only the **Parliament** can legislate.
  - Examples: Defence, Foreign Affairs, Banking, Currency, Atomic Energy.
  - Significance: Ensures the **central government has authority** on matters of **national importance**.
- 

### **2. State List**

- Includes subjects on which **State Legislatures** have exclusive power to make laws.
  - Examples: Police, Public Health, Agriculture, Local Government, State Public Services.
  - Significance: Ensures **local autonomy and governance** suited to regional needs.
- 

### 3. Concurrent List

- Subjects on which **both Parliament and State Legislatures** can legislate.
  - Examples: Education, Marriage and Divorce, Forests, Trade Unions.
  - If there is a **conflict**, the **Union law prevails**.
  - Significance: Provides **flexibility to coordinate national and state policies**.
- 

### Financial Powers

- The Constitution also provides for **financial distribution** between Union and States:
  1. **Union Taxes:** Income tax, customs duty, excise duty.
  2. **State Taxes:** Land revenue, state excise, sales tax.
  3. **Grants-in-aid:** Union provides funds to states under **Article 282** and recommendations of the **Finance Commission**.
- Significance: Ensures that states have **resources to fulfill their functions** while maintaining national financial stability.

---

## **Administrative Powers**

- Both Union and States have **administrative machinery** to implement laws and policies.
  - **Union Government:** Defence, foreign policy, railways, communications.
  - **State Governments:** Police, local administration, public health, agriculture.
  - Ensures **effective and decentralized governance**.
- 

## **Significance of Distribution of Powers**

1. Maintains **balance between central authority and state autonomy**.
  2. Avoids **overlapping authority and conflicts** between governments.
  3. Facilitates **smooth governance** by clearly defining responsibilities.
  4. Encourages **national unity while respecting diversity**.
  5. Enables **flexible response** in emergencies while protecting federal principles.
- 

## **(b) Explain Panchayati Raj System of the Government.**

### **Introduction**

The **Panchayati Raj System** is a **decentralized system of governance** in India that allows **local self-government at the village, intermediate, and district levels**. It empowers citizens to **participate**

**directly in planning and administration, promoting democracy, development, and social justice** at the grassroots level. The system is rooted in **ancient Indian traditions of local governance** and was constitutionally formalized through the **73rd Constitutional Amendment Act, 1992**.

---

## **Definition**

- According to Article 40 of the Indian Constitution: “The State shall take steps to organize **village panchayats** and endow them with such powers and authority as may be necessary to enable them to function as units of **self-government**.”
  - Panchayati Raj is a **three-tier system** that functions at **village, block, and district levels**, ensuring **democratic decentralization**.
- 

## **Structure of Panchayati Raj System**

### **1. Gram Panchayat (Village Level)**

- Elected body at the **village level**.
- Headed by a **Sarpanch**.
- Responsible for **local development, sanitation, water supply, and implementation of welfare schemes**.

### **2. Panchayat Samiti (Intermediate/Block Level)**

- Coordinates **development activities** at the **block or taluka level**.
- Ensures **supervision of village panchayats** and implementation of schemes.



- Acts as a **link between Gram Panchayat and Zilla Parishad.**

### **3. Zilla Parishad (District Level)**

- Apex body at the **district level**, headed by a **Chairperson**.
  - Plans and monitors **district-wide development programs**, education, health, and infrastructure.
  - Coordinates activities of all **Panchayat Samitis in the district.**
- 

## **Features of Panchayati Raj System**

### **1. Democratic Decentralization**

- Power is **transferred from state government to local bodies**, promoting participation.

### **2. Three-Tier Structure**

- Village, intermediate, and district levels ensure **comprehensive governance.**

### **3. Elected Representatives**

- Members of Panchayati Raj are **directly elected by the people for 5-year terms.**

### **4. Constitutional Status**

- 73rd Amendment gave **legal recognition**, fixed elections, reservation for **SC/ST and women**, and **State Finance Commission** for funding.

### **5. Financial Autonomy**

- Panchayats receive **funds from state governments, local taxes, and grants** to carry out development works.

## 6. Planning and Development

- Panchayati Raj enables **local planning and implementation of welfare schemes** like health, education, and rural employment.

---

### Importance of Panchayati Raj

1. Promotes **grassroots democracy** and citizen participation.
2. Encourages **social justice and empowerment of marginalized groups**, including women and minorities.
3. Facilitates **efficient implementation of government schemes** and local development.
4. Enhances **accountability and transparency** in governance.
5. Strengthens **cooperative federalism** by linking local, state, and central governments.

### Q.5 (a) State and Explain the classification of Directive Principle of State Policy.

#### Introduction

The **Directive Principles of State Policy (DPSP)** are provisions in **Part IV (Articles 36–51) of the Indian Constitution** that guide the State in **policy-making and governance**. They aim to establish a **just social, economic, and political order**, ensuring the welfare of citizens. DPSPs are **non-justiciable**, meaning they cannot be enforced in a court of law, but they serve as **guidelines for government action** to achieve socio-economic justice.

---

#### Definition

- According to **Dr. B.R. Ambedkar**, DPSPs are “**guidelines which the government should follow to secure a social and economic democracy.**”
  - They help the government in **creating laws, policies, and programs** that ensure **justice, equality, and welfare for all citizens.**
- 

## **Classification of Directive Principles of State Policy**

DPSPs are classified into **four broad categories** based on their objectives and implementation:

---

### **1. Economic and Socialistic Principles**

- Aim: To **reduce economic inequality** and promote social welfare.
  - Key provisions:
    - Article 39(a–b): Adequate means of livelihood and equal pay for equal work.
    - Article 41: Right to work, education, and public assistance in cases of unemployment, old age, sickness.
    - Article 43: Promotion of cottage industries and living wage.
  - Example: Implementation of **Minimum Wages Act** and welfare schemes for laborers.
  - Significance: Ensures **social justice and equitable development.**
- 

### **2. Gandhian Principles**

- Aim: To promote **rural development, non-violence, and self-reliance**.
  - Key provisions:
    - Article 40: Organize village panchayats and empower them as units of self-government.
    - Article 43: Promotion of cottage industries and village crafts.
  - Example: **Panchayati Raj system** and rural employment programs.
  - Significance: Strengthens **grassroots democracy and sustainable development**.
- 

### 3. Liberal-Intellectual Principles

- Aim: To encourage **education, scientific temper, and international peace**.
  - Key provisions:
    - Article 45: Free and compulsory education for children.
    - Article 51A(f): Develop scientific temper, humanism, and reformist spirit.
    - Article 51: Promote international peace and security.
  - Example: Establishment of **public schools and research institutions**.
  - Significance: Promotes **knowledge, innovation, and rational thinking** in society.
- 

### 4. Political and Administrative Principles

- Aim: To strengthen **democratic governance and administrative efficiency**.
  - Key provisions:
    - Article 44: Uniform civil code to ensure justice in personal laws.
    - Article 46: Promotion of educational and economic interests of **weaker sections**.
  - Example: Policies to provide **reservation and affirmative action**.
  - Significance: Ensures **equality, justice, and protection of marginalized groups**.
- 

**(b) Explain the Unitary system. State its advantages and disadvantages.**

### **Introduction**

A **unitary system of government** is a form of political organization in which **all powers are concentrated in a single central authority**. Unlike a federal system, there is **no division of powers between the central and regional governments**, though local authorities may exist at the discretion of the centre. In a unitary system, the **central government is supreme**, and regional or local governments function under its control.

---

### **Definition**

- According to **K.C. Wheare**, “A unitary government is one in which **sovereign power resides in a single central authority**, and any sub-units exercise only those powers delegated by the centre.”

- Examples of unitary systems: **United Kingdom, France, Japan, and Israel.**
- 

## **Features of a Unitary System**

### **1. Supremacy of Central Government**

- The central authority has **absolute power over legislation, administration, and policy-making.**

### **2. Single Constitution**

- The entire country is governed by **one uniform set of laws and policies.**

### **3. No Division of Powers**

- Regional or local governments derive authority **from the central government** and can be altered or abolished at will.

### **4. Uniform Policy Implementation**

- Laws and policies are implemented **consistently across the country**, ensuring unity and uniformity.

### **5. Flexible Governance**

- The central government can **quickly respond to emergencies or crises** without conflicts between levels of government.
- 

## **Advantages of Unitary System**

### **1. Uniform Laws and Policies**

- Ensures **consistency and equality** throughout the country.
- Example: Tax laws or education policies can be implemented nationwide.

## **2. Quick Decision-Making**

- Centralized power allows **fast and effective implementation of decisions.**

## **3. Strong National Unity**

- Reduces the risk of **regional separatism** and maintains political stability.

## **4. Efficient Administration**

- Simplified structure avoids **conflicts between different levels of government.**

## **5. Easier Maintenance of Law and Order**

- Central government can **quickly deploy resources** during emergencies, disasters, or conflicts.

---

## **Disadvantages of Unitary System**

### **1. Over-Centralization of Power**

- Excessive power at the centre may lead to **authoritarianism or neglect of local needs.**

### **2. Lack of Local Autonomy**

- Regional or local governments have **limited or no independent decision-making powers.**

### **3. Neglect of Regional Diversity**

- Uniform policies may **ignore cultural, linguistic, or economic differences** between regions.

### **4. Bureaucratic Delays**

- Centralization can sometimes lead to **excessive red tape and administrative delays.**

## 5. Risk of Political Instability

- If the central government fails, **the entire system may be affected**, as local governments lack autonomy.

**OR**

**Q.5 (a) Write a note on Presidential type of Government System.**

### **Introduction**

A **Presidential system of government** is a form of governance in which the **executive and legislature are separate** and the **President serves as both the head of state and head of government**. This system is characterized by **direct election of the President by the people**, and the executive is **not responsible to the legislature**. It ensures a **strong, independent leadership** and is widely used in countries like the **United States, Brazil, and Indonesia**.

---

### **Definition**

- According to **R.A. MacIver**, “The presidential government is one in which the **executive is chosen separately from the legislature and is independent of it in its tenure**.”
  - In this system, the President exercises **real executive powers**, while the legislature primarily focuses on **law-making**.
- 

### **Features of Presidential System**

#### **1. Separation of Powers**

- Executive and legislature function **independently**, preventing concentration of power.
- President cannot dissolve the legislature; similarly, legislature cannot remove the President arbitrarily.



## 2. Direct Election of the Executive

- The President is **elected directly by the people or through an electoral college**, giving legitimacy and authority.

## 3. Fixed Tenure

- The President serves a **fixed term** (usually 4–5 years) and cannot be removed easily, ensuring **stability**.

## 4. Independent Cabinet

- Ministers are appointed by the President and **are accountable only to the President**, not the legislature.

## 5. Constitutional Powers

- The President exercises **executive, legislative, judicial, and emergency powers** within constitutional limits.
- Example: Vetoing bills, commanding armed forces, and appointing judges and ministers.

## 6. Checks and Balances

- System designed to **prevent abuse of power**, with mutual checks between executive, legislature, and judiciary.

---

## Advantages of Presidential System

### 1. Stable Executive

- Fixed tenure ensures **continuity in policies** and administration.

### 2. Clear Separation of Powers

- Reduces **political conflicts** and prevents abuse of power by any branch.

### 3. Direct Mandate from People

- President enjoys **popular legitimacy**, reflecting the will of citizens.

#### 4. **Efficient Decision-Making**

- President has **strong executive powers** to act decisively, especially in emergencies.

#### 5. **Protection Against Parliamentary Tyranny**

- Legislature cannot arbitrarily dismiss the executive, ensuring **political stability**.

---

### **Disadvantages of Presidential System**

#### 1. **Risk of Authoritarianism**

- Concentration of power in a single executive may lead to **dictatorial tendencies** if checks fail.

#### 2. **Conflict Between Executive and Legislature**

- Independent branches may lead to **gridlock**, delaying important policies.

#### 3. **Rigid Tenure**

- Fixed term makes it **difficult to remove an ineffective or unpopular President**.

#### 4. **High Cost of Direct Elections**

- Presidential elections are often **expensive and time-consuming**.

#### 5. **Lack of Flexibility**

- Executive cannot be easily replaced, even if it loses public confidence.
-

## **(b) Explain the Nation Emergency.**

### **Introduction**

A **National Emergency** is a situation in which the **security, sovereignty, or stability of the nation is threatened**, requiring extraordinary powers to the **Union Government**. The Indian Constitution provides the **framework for declaring National Emergency** under **Article 352** to ensure the nation's safety and smooth functioning of governance during crises. It is a **temporary measure** that allows the Centre to **assume greater powers**, including the extension of legislative and executive authority over the states.

---

### **Definition**

- According to **Article 352 of the Indian Constitution**, a National Emergency can be proclaimed if the **security of India or any part thereof is threatened by war, external aggression, or armed rebellion**.
  - The purpose of this provision is to **protect the sovereignty, integrity, and functioning of the nation**.
- 

### **Grounds for National Emergency**

#### **1. War**

- Emergency can be declared if India is **attacked by or engages in war** with a foreign country.
- Example: India faced a National Emergency during the **Indo-Pak wars** of 1962, 1965, and 1971.

#### **2. External Aggression**

- Any **threat or attack from outside the country** endangering the nation's security.

- Example: Cross-border attacks or invasions.

### 3. **Armed Rebellion/Internal Disturbance**

- Replaced by the term “armed rebellion” after the **44th Amendment Act, 1978**.
- Previously called “internal disturbance,” this ensures **clarity and limits misuse**.
- Example: Insurgency or rebellion in a part of the country.

---

### **Procedure for Proclamation**

1. The **President of India** can proclaim National Emergency.
2. It can be declared **only on the written recommendation of the Cabinet**.
3. The proclamation must be **approved by both Houses of Parliament within one month**.
4. Initial period of emergency is **six months**, and it can be **extended with parliamentary approval** every six months.

---

### **Effects of National Emergency**

#### **1. Extension of Executive Powers**

- The Centre can **assume control over the states**, overriding state governments if necessary.

#### **2. Suspension of Fundamental Rights**

- **Articles 19 (freedom of speech, assembly, movement, etc.)** may be suspended.
- **Right to equality and other fundamental rights remain intact**, except Article 19.

### **3. Legislative Supremacy of Union**

- Parliament can **legislate on subjects in the State List**.

### **4. Financial Control**

- The Centre can **control finances of the states** for better coordination during emergencies.

### **5. Judicial Review**

- Courts cannot question the **proclamation of National Emergency**, but the exercise of powers is **subject to constitutional limits**.

---

## **Significance**

### **1. Ensures National Security**

- Helps the government respond **effectively to war, rebellion, or external threats**.

### **2. Maintains Law and Order**

- Prevents **breakdown of governance** during critical situations.

### **3. Strengthens Centre-State Coordination**

- Allows unified planning and execution of **emergency measures**.

### **4. Preserves Sovereignty and Integrity**

- Protects the country from **internal and external threats**, ensuring national survival.